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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 5271 OF 2006

Chakor N. Gandhi & Ors. . ... Petitioners

Vs.

Mr. Atul F. Shah & Ors. ... Respondents

Mr. S. V. Pitre, Advocate for the Petitioner.

CORAM : V. C. DAGA, J.

DATE : AUGUST 28, 2006.

P.C.

. Heard the learned counsel for the Petitioner. At this stage it is not necessary to look into the question as to whether or not the Trial Court has jurisdiction as to issue No. 12 framed in Regular Civil Suit No. 339 of 2000.

2. It would be open for the Petitioner to address the Trial Court on issue No.12 with respect to the jurisdiction of the Court on the basis of the law holding the field.

3. The Trial Court is directed to consider issue in its proper perspective on its own merits. Needless to mention that mere framing of issue does not mean jurisdiction in

favour of the Court to try dispute. It is always open for the parties to contend no jurisdiction of the Court. Framing of issue does not operate as estoppel against the Court. Petition stands dismissed in the light of the observations made herein. No orders as to costs..

[V. C. DAGA, J.]